

COMPLAINT
EXHIBIT B

LAW OFFICES OF JERRY C. EFFREN

Jerry C. Effren

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November 9, 2020

Via Federal Express

Office of the Judge Advocate General
Department of the Navy
Attn: FOIA Appeals, Code 14 1322
Patterson Avenue, SE, Suite 3000
Washington Navy Yard, D.C. 30271-5066

**Re: ADMINISTRATIVE APPEAL
FREEDOM OF INFORMATION ACT REQUEST
FOIA REQUEST: DON-NAVY-2020-011031**

Dear Sir or Madam:

This is an appeal under the Freedom of Information Act. This office submitted a request under the Freedom of Information Act to the Military Sealift Command ("MSC") on August 5, 2020. (*A copy of the FOIA request is attached as Exhibit A.*) The request was assigned the following identification number: DON-NAVY-2020-011031.

It is now three (3) months since MSC received my request. I have still not received any documents. I have also spoken to the MSC FOIA Coordinator on several occasions over the last three (3) months about when MSC would be producing documents but have not received a substantive response or any explanation for the delay. I hereby appeal the failure or refusal of MSC to respond to my request.

If you need to discuss this request, I can be reached at the telephone number and the email address set forth above. Thank you for your consideration of this appeal.

Very truly yours,

LAW OFFICES OF JERRY C. EFFREN


Neal J. Bingham

cc: Client

EXHIBIT A

LAW OFFICES OF JERRY C. EFFREN

Jerry C. Effren

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August 5, 2020

Via Facsimile (757-341-5565)

Commander, Military Sealift Command
ATTN: N00L/FOIA
471 E. C Street, Building SP-64
Norfolk, VA 23511

Re: FREEDOM OF INFORMATION ACT REQUEST

Dear Sir or Madam:

This is a request under the Freedom of Information Act directed to the Military Sealift Command ("MSC"). I hereby request that a copy of the following documents be provided to me on an expedited basis:

1. All documents evidencing the certification status the Floating Dry Dock "Alabama" (the "Dry Dock") at the shipyard owned and/or operated by Alabama Shipyard, I.L.C. (the "Shipyard") in Mobile, Alabama as of November 26, 2019.
2. All documents evidencing the certification or re-certification of the Dry Dock on or after November 26, 2019.
3. All documents concerning the "self-certification" of the Dry Dock by MSC, or at the direction of MSC, if any, undertaken or completed on or after November 26, 2019.
4. All documents concerning United States Navy certifications of the Dry Dock, if any, undertaken or completed on or after November 26, 2019.
5. All communications between MSC, on the one hand, and the Shipyard, on the other hand, concerning the status of the certification of the Dry Dock as of or after November 26, 2019.
6. All communications between MSC, on the one hand, and any other person or entity, including without limitation representatives of the engineering company known as Heger Dry Dock, Inc. of 77 Main St, Hopkinton, MA 01748 concerning the certification of the Dry Dock at any time on or after November 26, 2019.

Note: In an effort to assist you in identifying documents responsive to this FOIA request, I am attaching for your convenience the last known "Certification of Capacity" for the Dry Dock,

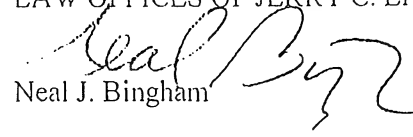
which was prepared by Wally Sayed, PE, formerly of HDD.

In order to assist MSC in determining fees, please be advised that my client is willing to pay fees up to \$250.00 for your services in responding to this request. If you expect the fees will exceed this, please contact me before proceeding.

If you need to discuss this request, I can be reached at the telephone number set forth above during regular business hours. Thank you for your consideration of this request.

Very truly yours,

LAW OFFICES OF JERRY C. EFFREN


Neal J. Bingham

cc: Waleed Sayed

HEGER DRY DOCK, INC



CERTIFICATE of CAPACITY

FLOATING DRY DOCK "ALABAMA"
ALABAMA SHIPYARD, LLC
MOBILE, ALABAMA

ISSUED: NOVEMBER 26, 2019
EXPIRES: JULY 17, 2021

Heger Dry Dock, Inc. has inspected the subject dry dock and found it safe and adequate for dry-docking vessels displacing up to 46,400 long tons at 12 inches pontoon deck freeboard and with a maximum keel line load not to exceed the load per foot limit as shown in the attached Table 1 – ALABAMA FDD Line Load as of Nov. 26, 2019.

This certification is contingent on the following conditions:

- A) The vessel's weight and adjusted vertical center of gravity (KG) must fall within acceptable limits of ship / dock stability.
- B) A safe and adequate blocking system must be used for all dockings.
- C) Maximum allowed head pressure limitation of 31-feet must not be exceeded.
- D) Normal acceptable dry-docking procedures must be followed at all times.
- E) Starboard wing wall crane shall not travel aft of Frame 44.

Please note that the certification is for the safety of the vessel in the dry dock only. It does not address the safety of personnel in and around the dry dock, potential pollution spills, or transfers. Faulty handrails, stairs, tripping hazards, exposed equipment or any other hazard not specifically related to the safety of the vessel in the dry dock are not covered by this certification. Transfers must be reviewed and approved in advance on a case by case basis.

This certification expires on July 17, 2021. It shall automatically become void should any changes be made or damage occur to the basic dock structure or equipment.

REFERENCE: Heger Inspection Report, July 2019

HEGER DRY DOCK, Inc.

Waleed Sayed, PE
Registration: Alabama
Certificate No. 35117

